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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,837	02/08/2002	Kari Vappula	032221-022	9563

21839 7590 06/18/2003

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EXAMINER

HECKENBERG JR, DONALD H

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,837

Applicant(s)

VAPPULA, KARI

Examiner

Donald Heckenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 639 686 (hereinafter "EP '686") in view of EP 1 075 917 (hereinafter "EP '917").

EP '686 discloses a magnet unit for fastening of a concrete mould (4) to a casting bed (1). The unit has a fixed magnet (6) which is immovably attached to the metallic casting bed (1).

"Immovably," as used in claim 1 of the instant application, has

been interpreted based on the disclosure of the application to mean not movable relative to the magnetic unit, as opposed to permanently fixed in one location on the casting bed. The later interpretation would not make sense in view of claims 4-6 reference to a detaching tool for removing the magnet unit from the casting bed.

The "U" shape of magnet unit disclosed by EP '686 is such to form slot which could receive a detaching tool in at least one surface not having a wedge profile (see figure 1). It is noted that EP '686 does disclose a differently operating detaching tool (13 and 14) which is not received in the slot (see figure 3). However, claim 4 of the instant application merely requires that magnet unit have a slot and a surface not having wedge shaped profile. A particular detaching tool is not positively recited in the claim. As the magnetic unit of EP '686 is provided with the slot and non wedge shaped surface, it anticipates all of the elements of the magnetic unit recited in claim 4.

EP '686 does not disclose the magnet unit to comprise a wedge profile for fitting to a counter wedge profile in the mould side.

EP '917 discloses a magnet unit for fastening of a concrete mould side (9) to a casting bed. EP '917 discloses the magnet

unit to be provided with a wedge profile (6 and 7) for fitting to a counter wedge profile (11) provided in the mould side (see figure 4). EP '917 notes that such an arrangement forces the mould side to be tightly fixed to the casting bed (column 4, lines 31-34).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified the apparatus of EP '686 as such to have provided the apparatus with a wedge profile to fit into a counter wedge profile on the mould side because such an arrangement tightly fixes the mould side to the casting bed as suggested by EP '917.

4. Claim 2-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '686 modified by EP '917 as applied to claims 1 and 4 above, and further in view of Reymann (U.S. Pat. No. 6,082,701).

EP '686 and EP '917 disclose the magnet unit as described above. EP '686 and EP '917 do not disclose the magnet unit to comprise two faces on opposite sides of the magnet unit provided with the wedge profile for fitting into counter wedge surfaces on two separate mould side units.

Reymann discloses a magnet unit for fastening of a concrete mould side to a casting bed. Reymann discloses, in the

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embodiment shown in figure 3, the magnet unit to be such that opposite sides (22) of the magnet unit are configured such to support separate mould sides (23) on opposite sides of the magnet unit.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified the magnet unit of EP '686 and EP '917 as such to have configured opposite sides with the wedge profile because this would have allowed for separate mould sides to be supported on both sides of the magnet unit as suggested by Reymann.

5. The following references are cited as being pertinent to the instant application:

Mueller (U.S. Pat. No. 3,530,540) discloses a magnetic mould side support system (see figure 4 in particular).


Reymann (U.S. Pat. No. 6,434,894) discloses a magnetic concrete mould side support system.

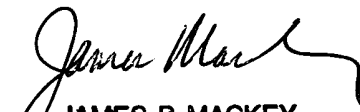
EP 0 945 238 discloses a magnetic concrete mould side support system.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (703) 308-6371. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for responses to non-final action, and 703-872-9311 for responses to final actions. The unofficial fax phone number is (703) 305-3602.


Donald Heckenberg
June 16, 2003


JAMES P. MACKEY
PRIMARY EXAMINER
6/16/03